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## EDITORIAL

This publication of the MJLS incorporates volume 4 issues 1 and 2.

The theme of the articles in these issues is the discussion, in a modern context, of age old problems. They encompass areas of criminal law and community service orders; criminal law and the question of 'intent'; continuing with criminal damage in neighbourhood disputes, and finally a modern look back to the seventeenth century in respect of fraud.

In the first article, Simon Parsons considers the difficulty of finding 'intent' in criminal law. The author reviews the development of the case law in respect of direct and indirect intent, and rehearses the arguments. He then continues with a discussion on the distinction between intent and motive.

It is argued that consideration of community service orders itself goes back to ancient Roman law, when convicted but free criminals could be rendered slaves and bought, with the purchase price going to the victim. In the Middle Ages the practice of forcibly conscripting criminals and vagabonds was considered to be an example of military community service. It is even argued by Hoggarth, that the transportation of criminals to Australia could be considered a public service to open up that colony. However, in the second article in this issue, Shane Kilcommins considers the specific sanction of the community service order to be grounded in a particular set of penal, social, cultural, political and economic practices. He sets the discussion within the context of the importance and use of leisure time in modern culture, and investigates from the 'culture scape' of leisure, other commentator's claims as to whether or not a continuity and affinity exists over time between penal work based dispositions.

The third article by Graeme Broadbent and Jean Cross continues with the theme of a modern view of an age old problem. The article discusses the, sometimes, extraordinary behaviour of neighbours acting in unbiblical fashion toward each other. The discussion of the case of *Chamberlain v Lindon* highlights some problems when

pursuing a remedy over matters of civil law through the criminal courts.

The final article discusses how a decision in the seventeenth century, in England, is still considered to be influential in the modern law concerning fraud in the USA today. The case of *Twyne of Hampshire*, involved the Sheriff of Southampton riding forth to assist a creditor to collect a judgement for debt only to find that the debtor, anticipating the judgement, had conveyed all of his goods and chattels to Twyne, while retaining possession of them. On the arrival of the sheriff in order to seize the goods, 'divers persons, by the command of the said Twyne, did with force resist the said sheriff'. Stephen Harbeck considers the development of the law of fraud in the USA only to conclude that the tests as laid down in *Twynes' case* remain good law today.

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